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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,777	12/02/2003	Mark D. Robinson	7132-1	1914

7590 01/10/2005

SHLESINGER, ARKWRIGHT & GARVEY LLP  
3000 SOUTH EADS STREET  
ARLINGTON, VA 22202

EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/724,777

Applicant(s)

ROBINSON, MARK D.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/3/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-22 and 27-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 19 is objected to because of the following informalities: between parts (e) and (f), the applicant erroneously inserted the heading with the serial number and dates, which should be at the very top of the page. Appropriate correction is required.

### *Specification*

2. The disclosure is objected to because of the following informalities: the applicant needs to amend the Specification amendment filed 12/2/03 with the updated patent information (now U.S. Patent Number 6,679,651). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claims 19-22 and 27-30 are rejected under 35 U.S.C. 102(a) as being anticipated by Halferty et al (US 6,109,823).**

Regarding claim 19, Halferty discloses a manhole comprising:

- a) a manway defining a manhole as shown in Fig. 2,

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b) a cover, seen as cover (31) in Fig. 2, being hingedly attached to the manway, seen as the hinged connection (36) in Fig. 2,

c) the cover including a hinge frame assembly, seen as hinges (34),

d) a seal seen as seal (50) in Fig. 2,

e) a pin seen as hinge pin (36) in Fig. 2,

f) a locking and sealing assembly being provided adjacent to the cover, seen as locking mechanism (39) in Fig. 2,

g) the locking assembly including a locking and sealing element, seen as the thread rod (41) and hand wheel (42) and associated parts in Fig. 2.

Regarding claim 20, Halferty discloses a threaded locking post seen as thread rod (41) in Fig. 2, which is moveable relative to the hinge frame assembly and the cover.

Regarding claim 21, a groove in the seal is seen as groove (49) in seal (50) in Fig. 2.

Regarding claim 22, the hinge pin (36) is provided between the hinge frame assembly and the manway and secures the hinge frame assembly to the manway.

Regarding claim 27, a mounting flange adjacent the cover is seen as mounting flange (38) in Fig. 2.

Regarding claim 28, a bolting flange adjacent the manway is disclosed by Halferty as outer bolting flange (19) in Fig. 2.

Regarding claim 29, Halferty discloses a gasket seen as gasket seal (53) in Fig. 2.

Regarding claim 30, Halferty illustrates the mounting flange (38) bolts to the mounting bolt flange (19) in Fig. 2.

### ***Response to Arguments***

5. Applicant's arguments filed 12/3/04 have been fully considered but they are not persuasive. The applicant attempts to distinguish from Halferty et al (US 6,109,823) by amending independent claim 19 to describe the cover as "outwardly opening" and the include a "negative pressure storage tank." First, the applicant is *not* claiming a combination of the cover with the negative pressure storage tank, since the applicant only recites that the manway is "configured for being provided on a negative pressure storage tank". Therefore, the manway need only be *capable* of being used with a negative pressure storage tank, which it is. Therefore, this limitation adds no further structure to limit the claimed subject matter. With respect to the manhole cover being outwardly opening, Halferty does disclose an outwardly opening manhole cover. Halferty's invention converts an outwardly opening manhole cover to an inwardly opening cover, so therefore Halferty discloses the limitation of the cover being outwardly opening as the starting point of the invention, as shown in Figure 2. Applicant's claim language has not sufficiently distinguished from the disclosure of Halferty.

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***Conclusion***

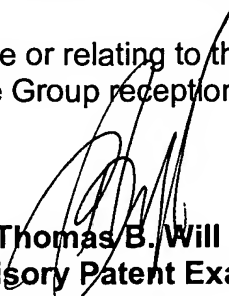
**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

  
**Thomas B. Will**  
**Supervisory Patent Examiner**  
**Group 3600**

AKP  
1/3/05